USTELECOM | THE BROADBAND ASSOCIATION

July 27, 2021

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

> **Re:** **Notice of Ex Parte Presentation**
> *Advanced Methods to Target and Eliminate Unlawful Robocalls*
> **EB Docket No. 17-59**

Dear Ms. Dortch:

On July 23, 2021, representatives of USTelecom, AT&T, Frontier, Lumen Technologies, and Verizon ("USTelecom Representatives")[1] met by phone with Mark Stone, Kristi Thornton, Jerusha Burnett, and Aaron Garza of the Commission's Consumer and Governmental Affairs Bureau to discuss USTelecom's pending Petition for Reconsideration and Request for Clarification ("Petition") in the above-referenced proceeding.[2] During the meeting, we explained that while some providers believe that a SIP return code is a bad approach to notifying callers about blocked calls, the industry recognizes the calling community's desire for a consistent form of notification. Accordingly, USTelecom and its provider members have sought to find a collaborative path forward that ensures that providers can continue to block illegal and unwanted calls while meeting the notification demand of the Commission and the calling community.

To that end, we explained that the best way to achieve blocking notification in the short term is to rely on SIP Code 603.[3] Many providers already use SIP Code 603, and it already is mapped to ISUP cause code 21. Indeed, SIP Code 603 is the *only* way providers can implement a return code in the short term. In contrast, consistent with USTelecom's reply comments,[4] the Commission's requirement to send SIP Code 607 or 608, as appropriate, and map such codes to ISUP cause code 21 for calls that traverse TDM networks, is not viable in the short term. Deploying those codes requires the industry to first finalize and operationalize the standards to ensure interoperability and vendors to then implement the finalized standards into their equipment – all before providers can even start to deploy changes needed to their networks. This

---

[1] A full list of the participating USTelecom Representatives is below.

[2] Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed May 6, 2021) ("Petition").

[3] The Petition urges the Commission to reconsider the requirement that providers that block calls on an IP network return SIP Code 607 or 608, as the standard the Commission relied on to impose the requirement was not fully vetted. Petition at 3. In contrast, SIP Code 603 is already in use today for blocking and therefore is consistent with the Petition's request that the Commission require providers to give effective notice, such as through an industry standardized return code or other notification mechanism later deemed sufficient. *See, e.g., id.* at 9, 15.

[4] Reply Comments of USTelecom – The Broadband Association, CG Docket No. 17-59 (filed June 14, 2021) ("USTelecom Reply Comments").

process can take many months if not years. The complexities and governance requirements associated with the jCard in SIP Code 608, which would amount in effect to deploying STIR/SHAKEN in reverse in terms of the complexity, capacity required, and governance needs for proper jCard validation,[5] would take even more time if even viable in the first instance. If a provider cannot meet the Commission's notification requirement, the provider's only option is to stop blocking illegal and unwanted robocalls or to never start blocking those calls in the first instance.

SIP Code 603 will meet callers' needs. A uniform return code, even without the jCard, gives callers actionable information: They know to investigate the issue and can take proactive steps. For instance, they can review the numbers they called to determine the terminating providers associated with those numbers and begin the redress processes of those providers and their analytics partners.[6]

Should the Commission reconsider the requirement and mandate SIP Code 603, the Commission still should leave some flexibility for appropriate response codes that are still in development through the industry standards bodies. This would allow further refinement to notification in the future. In addition, the Commission should allow providers to decline to send a return code when they have reason to believe that it is being misused by the caller, including to evade blocking or to launch a telephone denial of service attack to retaliate for blocking.[7]

Finally, we explained that the other aspects of the Petition benefit callers, are consistent with the *Fourth Report and Order*, and are commonsense good public policy. Specifically, we explained that the Commission should confirm that voice service providers only are required and expected to provide notification of blocking when calls are blocked based on analytics programs, and not, for example, when they block calls pursuant to Do Not Originate lists or subscriber-initiated lists. Notification only should be required in circumstances where blocking can be mistaken based on reasonable analytics, and therefore can be rectified. It serves no purpose in other circumstances, and it particularly should not be required where it would undermine the choices and privacy of subscribers.[8] Separately, we explained that there is a dynamic and competitive market to offer telecommunications services and calling platforms to enterprises. Some providers today compete by offering full service telecommunications solutions that would include addressing instances of suspected over-blocking and other call completion issues on behalf of their enterprise customers. Given the options in the marketplace, there is no need for

---

[5] *See, e.g.,* E. Burger, B. Nagda, A Session Initiation Protocol (SIP) Response Code for Rejected Calls, § 6 (June 28, 2019) ("Signing the jCard provides integrity protection. In addition, one can imagine mechanisms such as used by SHAKEN to use signing certificate issuance as a mechanism for traceback to the entity issuing the jCard, for example tying the identity of the subject of the certificate to the To field of the initial SIP request, as if the intermediary was couching for the From field of a SIP request with that identity.")

[6] They also can use the information on https://www.ustelecom.org/call-redress to help determine which entity to contact and how.

[7] Attached is proposed textual changes to the existing rule that would achieve the suggested changes describe herein.

[8] *See* USTelecom Reply Comments at 10-12 (explaining that notification should not be required for customer-driven blocking).

the Commission to intervene in the relationship between service providers and their enterprise customers.

Please contact the undersigned if you have any questions.

Sincerely,

/s Joshua M. Bercu/
Joshua M. Bercu
Vice President, Policy & Advocacy, USTelecom

cc: Mark Stone
        Kristi Thornton
        Jerusha Burnett
        Aaron Garza

USTelecom Representatives
USTelecom: Joshua Bercu,
AT&T: Linda Vandeloop
Frontier: Diana Eisner
Lumen Technologies: Randy Clarke, Phil Linse
Verizon: Chris Oatway

Proposed Changes to 47 CFR § 64.1200(k)(9)

(9) Any terminating provider that blocks calls using reasonable analytics, either itself or through a third-party blocking service, must immediately return, and all to the preceding voice service providersprovider in the call path must transmit, an appropriate response code to the origination point ofindicating that the call. was declined. Each provider in the call path must pass the response code or to the preceding provider. For purposes of this rule, an appropriate response code is:

(i) In the case of a call terminating on an IP network, the use of Session Initiation Protocol (SIP) code 607 or 608; 603 or other appropriate response code to the extent such code has been operationalized through an appropriate telecommunications industry body such as the ATIS/SIP Forum IP-NNI Task Force;

(ii) In the case of a call terminating on a non-IP network, the use of ISDN User Part (ISUP) code 21 with the cause location "user";

(iii) In the case of a code transmitting from an IP network to a non-IP network, SIP codes 607 and 608the SIP response code 603 or other appropriate response code to the extent such code has been operationalized through an appropriate telecommunications industry body such as the ATIS/SIP Forum IP-NNI Task Force, must map to ISUP code 21; and with the cause location "user"; and

(iv) In the case of a code transmitting from a non-IP network to an IP network, ISUP code 21 must map to SIP code 603, 607, or 608 where the cause location is "user." must map to SIP code 603 or other appropriate response code to the extent such code has been operationalized through an appropriate telecommunications industry body such as the ATIS/SIP Forum IP-NNI Task Force.

(v) A terminating provider is not required to return the release code required by this subpart (9) to the extent it has evidence that the code is being used by illegal calling parties or other malicious actors to bypass the terminating provider's blocking analytics, to engage in denial service attacks, or to cause other harm to the terminating provider's network or its customers.